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Monday, April 15, 2013

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Summary: The demolition of Asarco's smokestacks on Saturday will signal the end of an era that leaves behind it a mixed legacy of economic prosperity and environmental degradation.

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http://www.kfoxtv.com/news/news/demolition-emotional-event-former-asarco-employees/nXLYq/
Summary: As the smokestacks came crumbling down, many El Pasoans were emotionally affected, including former ASARCO employees, many of which tried to stop the demolition.

4 - Common sense seems gone with the wind, ABJ, 4/15/13
http://www.abqjournal.com/main/2013/04/15/biz/common-sense-seems-gone-with-the-wind.html
Summary: “You don’t need a weatherman to know which way the wind blows.” These are Bob Dylan’s immortal words from his 1965 masterpiece song “Subterranean Homesick Blues.”

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http://www.statesman.com/news/news/with-sewage-systems-cleanup-behind-city-number-of-/nXL8h/
Summary: In early February, an electrical short led a South Austin wastewater lift station to spill 90,140 gallons of raw sewage into a small waterway. Austin Water Utility workers hustled successfully to contain the spill at the Southland Oaks lift station, near Brodie Lane and Frate Barker Road, before it reached the larger Bear Creek.

6 - Louisiana sinkhole shatters calm, prompts buyouts on the bayou, PublicIntegrity, 4/15/13
http://www.publicintegrity.org/2013/04/15/12462/louisiana-sinkhole-shatters-calm-prompts-buyouts-bayou
Summary: BELLE ROSE, La. — Tim Brown eases his john boat from his back yard dock into his daily therapy: The Bayou Corne that courses through this patch of southern Louisiana like a lifeline. Brown powers past the Tupelo Gum, Cypress Moss and Swamp Maple trees that drape the bayou in a frame, and steers to the spot where he reels catfish and collects thoughts.

7 - Exxon to remove damaged part of Arkansas oil pipeline on Monday, Yahoo, 4/15/13
http://news.yahoo.com/exxon-remove-damaged-part-arkansas-oil-pipeline-monday-033317133--finance.html
Summary: A 52-feet section of Exxon Mobil Corp's damaged Arkansas crude oil pipeline will be cut and removed on Monday, the company said.

8 - Is Oklahoma going to run out of water?, Newsok, 4/15/13
http://newsok.com/is-oklahoma-going-to-run-out-of-water/article/3785989
Summary: Are we going to run out of water? Texans are trying to grab Oklahoma water, tribal rights to southeastern Oklahoma water are in dispute, and forecasts warn the drought could persist for years.

9 - New diversion process planned for Barataria Basin, BRAdv, 4/15/13
http://theadvocate.com/home/5600530-125/new-diversion-process-planned-for
Summary: BOUTTE — Scientists will be trying out a new way of operating the Davis Pond Freshwater Diversion project later this year to get more water through the system when the Mississippi River levels are high.

10 - Construction at ExxonMobil Chalmette Refining to cause loud whooshing sounds Saturday through Tuesday, NOLA, 4/15/13
http://www.nola.com/environment/index.ssf/2013/04/construction_at_exxonmobil_cha.html#incart_river
Summary: Officials with ExxonMobil's Chalmette Refining warn that ongoing construction at one of the refinery's largest units will result in loud whooshing sounds Saturday through Tuesday.

11 - Questions loom as EPA misses deadline for new power plant rule, Greenwire, 4/15/13
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summary: U.S. EPA missed its statutory deadline Saturday to finalize its first-ever carbon dioxide rule for new power plants, and although the delay had been anticipated for months, stakeholders are divided about what it means.

12 - Justices ask White House for input on Texas-N.M. water dispute, EENEWS, 4/15/13
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U.S. NEWS | April 14, 2013, 7:11 p.m. ET

El Paso Says Goodbye to Landmark

Asarco Smokestacks Are Demolished as Part of Effort to Clean Up and Redevelop Industrial Site

By ERICA ORDEN

The El Paso Times/Associated Press

Above, the 828-foot chimney at the Asarco copper-smelter site in El Paso, Texas, tumbles early Saturday morning.

Two concrete smokestacks in El Paso, Texas, regarded as community landmarks, were demolished over the weekend amid concerns about the site's environmental impact.

The chimneys, 828 and 612 feet tall, had been part of a copper-smelting plant operated by American Smelting & Refining Co., known as Asarco.

The plant, which started operating in 1887 and was controlled for decades by the Guggenheim family, was an important part of El Paso's economy—but also a big source of pollution. After numerous contamination claims, Asarco filed for Chapter 11 protection in 2005, then emerged from bankruptcy in 2009 by signing one of the largest environmental settlements in U.S. history: $1.79 billion to clean and restore more than 80 locations around the country.

The El Paso Times/Associated Press

El Paso's old City Hall begins to crumble in a separate demolition that took place Sunday.

The smokestacks on the Asarco site, located near downtown and adjacent to the University of Texas at El Paso, were felled early Saturday morning using about 300 pounds of explosives. The demolition cost about $2 million and was organized and paid for by the Texas Custodial Trust, which was established as part of Asarco's bankruptcy settlement agreement and was funded with $52 million to address contamination on the property.

The custodial trustee, Roberto Puga, an environmental engineer, said the clouds of concrete dust and the black plume of smoke that emerged when the chimneys struck the ground weren't cause for alarm and were handled and monitored properly as part of the destruction project.

Cleanup of the site is expected to take several more years, Mr. Puga said. The goal is to eventually sell the site for development.

"We think the demolition went completely as planned," Mr. Puga said in an interview Sunday. "We kept the majority of the dust on site, but for the dust that did get out, we had a 16-point dust monitoring grid, and we're evaluating the data now," he said. "We don't anticipate any problems."

Mr. Puga said that 22 misting machines were used to saturate the air with droplets of water in order to attract and localize the dust.

But local officials and others in the area raised concerns about the demolition's effects on the surrounding communities.

"We thought that this was going to be an environmental victory for the community, and basically what we get is our city having to pay the cost for more pollution," said David Cortez, alliance coordinator for the Texas-based chapter of the Sierra Club. "We don't think that there was enough oversight here."

State Sen. Jose Rodriguez, whose district includes El Paso, said that "despite reassurances" from Mr. Puga, the Texas Commission on Environmental Quality and the U.S. Environmental Protection Agency that the air was safe, "thousands of people in El Paso and Juarez [just across the border in Mexico] were exposed to a cloud of Asarco dust. Particularly after everything this community went through to shut the plant down, there must be a thorough review of, and accountability for, this event."

The blast took place around 6 a.m. local time Saturday. Mr. Puga said the timing minimized disruption to traffic and also served to contain the dust cloud, because sunrise is the least windy part of the day this time of year.

The smokestacks weren't the only El Paso structures razed over the weekend: Sunday, the former City Hall, built in 1979, was demolished to make way for a baseball stadium. El Paso hopes the ballpark—set to be the new home of the top minor-league affiliate of the San Diego Padres, now based in Tucson, Ariz.—will help revitalize its downtown.

Write to Erica Orden at erica.orden@wsj.com

A version of this article appeared April 15, 2013, on page A6 in the U.S. edition of The Wall Street Journal, with the headline: El Paso Says Goodbye to Landmark.

Doomed smokestacks symbolize Asarco's legacy

By Diana Washington Valdez \ El Paso Times El Paso Times
Posted:

lcsun-news.com

›› Photos: Asarco now and then - demolition preparation, archive photos

The demolition of Asarco's smokestacks on Saturday will signal the end of an era that leaves behind it a mixed legacy of economic prosperity and environmental degradation.

Thousands of border residents are expected to watch the distinctive landmarks tumble down, including former Asarco workers Miguel Beltran and Charlie Rodriguez.

"I was fortunate to have worked at Asarco," said Beltran, 85, a boilermaker and welder at the plant from 1970 to 1995. "Thanks to Asarco, I raised seven children, one who's a doctor in Houston. I bought my house, a car and a truck, and I lived in the same home for 40 years. During a regular week, I could make $500, and up to $900 a week with overtime. Those were great wages for El Paso."

Beltran came to El Paso from California and knocked on Asarco's doors when he went looking for a job. "I was told you had to have a relative working at Asarco to get in, but I lucked out when I applied. They said they had an opening for a welder, and that's what I was, a welder."

The former smelter worker said he disagrees with those who blame Asarco for their health problems.

"The negative things that are being said about Asarco are myths," Beltran said. "I am in very good health for my age -- no cancer, no nothing -- and I think it's because I used the safety goggles, hard hat and masks that they gave us to wear. I worked all over the plant and went in on any day and at any time they asked me to show up. I don't understand some of the ex-workers who say that Asarco made them sick."

For more than a century, the lives of thousands of border residents were tied to the smelter's fortunes.

During the 1990s, before the workforce reduction, the smelter had employed as many as 1,000 people.

Rodriguez, 63, started his career with Asarco in his early 20s, beginning in 1972 until the 1999 layoffs. His father, brother and uncle also worked at the plant. At first, he was a laborer, feeding conveyor belts with copper ore that was on its way to the furnace. He later became an electrician, and he finished out his work for Asarco as a maintenance electrician.

"I and others are sick, especially those who come from the younger generation," Rodriguez said. "My brother, Richard, also worked there, and he was 58 years old when he died from cancer. I'm sick, too. I know of many ex-Asarco workers who died prematurely. We were very

loyal workers, but the company was not loyal to us. For example, they didn't tell us about the (unpermitted) hazardous waste from Encycle they were incinerating at the El Paso plant."

Activists including Heather Murray and Bill Addington supported shutting down the plant, alleging that it was the source of environmental hazards for residents who lived near the smelter.

Murray and Addington said the hazards came from arsenic and lead from Asarco's smelting process that polluted the air and soil, as well as from the unauthorized incineration of military hazardous waste.

Asarco officials always denied that the plant is responsible for the ailments that ex-workers are experiencing. They contended that the heavy metals came from pesticides, paint and leaded gasoline, and not from the plant.

Robert Puga, the trustee for the site cleanup, said on Thursday that none of the military hazardous waste that was incinerated without a permit in the past at Asarco has turned up in tests conducted during remediation work. Puga will oversee Saturday's historic demolitions.

The end of the smelter

Most agree that the end for Asarco began in 1999 when a decline in copper prices worldwide forced the company to lay off 370 workers in El Paso and shutter smelting operations. The company kept a skeleton crew at the site while it waited for economic conditions to improve.

Instead, an intense battle followed to shut down the smelter. Asarco had its own internal disputes, and due to growing environmental liabilities from all its U.S. operations, the company filed for Chapter 11 bankruptcy. In 2009, it announced that it would shut down the El Paso smelter for good.

Former state Sen. Eliot Shapleigh, who spearheaded the community's battle to close the smelter, was unavailable for comment.

The first of Asarco's environmental woes in El Paso began in the 1970s after medical tests confirmed high levels of lead in the blood of many children in Smeltertown, a community along the Rio Grande of Mexican-Americans and Mexicans who worked at the plant.

Newspaper archives indicate that El Paso city officials moved 120 families out of Smeltertown in 1973 and razed the community. The Smeltertown Cemetery adjacent to the main plant site remains intact.

"In the spring of 1970, the city of El Paso filed a $1 million suit, later joined by the State of Texas, charging Asarco with violations of the Texas Clean Air Act," according to the Texas State Historical Association. "In December 1971 the El Paso City-County Health Department reported that the smelter had emitted 1,012 metric tons of lead between 1969 and 1971 and found that the smelter was the principal source of particulate lead within a radius of a mile."

In 1990, the company invested about $81 million to modernize its smelting technology, but time showed that it was not enough to fend off mounting environmental complaints from residents, politicians and the federal Environmental Protection Agency.

"Under the agreements reached in the bankruptcy court Asarco is relieved of all the liabilities it incurred during its 100 years of operation," according to a report by Lin Nelson and Anne Fischel, academics at Evergreen State College in Washington state. "This means that future costs to human health and the environment stemming from the impacts of Asarco's 100 years of operations will be borne by workers, families, communities and ultimately, by U.S. taxpayers."

Pancho Villa

Francisco "Pancho" Villa, one of the major leaders of the 1910 Mexican Revolution, might have been Asarco's most famous employee.

In a 2007 column for the El Paso Times, historian Leon Metz said that Villa went to work as a laborer for Asarco on Jan. 19, 1913.

"Two months later, on March 7, Villa and six laborers working at Asarco É on horseback forded the Rio Grande and headed south. (Each) toted a sack of flour, two small packages of coffee, some salt and small arms, but little ammunition," Metz said. "Within weeks, Villa struck a mining camp at Boquilla, Chihuahua," and the revolution was under way.

Other historical accounts offer conflicting stories about Villa's association with Asarco. One maintains that Asarco initially supported Villa in order to protect its mining operations in Mexico. Another account blames the revolutionary hero for the execution-style deaths of 18 American employees of Asarco near Santa Ysabel, Chihuahua. Villa denied ordering his men to kill the Americans.

Some big names are also associated with Asarco's company history, including legendary American and Mexican industrialists.

Under Robert Safford Towne, the company began operating in El Paso in 1881 with a 100-foot chimney, smelting ore from Mexican mines. A plaque at the plant's main office, which will be spared from destruction, states that Asarco started with 250 workers when the smelter used to be located near the Union Depot.

The Kansas City Smelting and Refining Co., owned by August Meyer, provided additional backing for the smelter and its expansion. Later, the American Smelting and Refining Co., founded in part by William Rockefeller (brother of Standard Oil's John D. Rockefeller), and later run by the Guggenheim dynasty, took over Kansas City Smelting and Refining.

In modern times, investors and owners who had a stake in Asarco included Mexico's Carlos Slim, the world's richest man, and the Carlyle Group, a global conglomerate associated with former President George H.W. Bush, according to newspaper arch- ives.

At one time, Asarco was considered to be Mexico's largest private employer. It had several operations south of the border, and in other U.S. states and countries.

A 1974 U.S. diplomatic cable released by WikiLeaks refers to the "Mexicanization of Asarco," pointing to a period when prominent Mexican businesses began investing in it heavily and eventually bringing Asarco into the fold of Grupo Mexico, which currently is in good financial shape.

Richard Adauto, an official at the University of Texas at El Paso, found out after some research that Asarco had donated land to the then-Texas Western College on at least two occasions.

Ironically, it was soil testing by graduate students from UTEP and New Mexico State University that gave impetus to new uneasiness over the possibility that Asarco might restart its copper smelting operations.

This led to hearings, the EPA's involvement, and Asarco agreeing, among other things, to remove lead and arsenic contamination from the soil of about 1,000 outdoor properties in West and South El Paso.

On Saturday, both the good and the bad of Asarco's El Paso smelter will be buried when its once-mighty stacks are reduced to rubble.

Diana Washington Valdez may be reached at dvaldez@elpasotimes.com; 546-6140.

Posted: 9:12 a.m. Saturday, April 13, 2013

Demolition an emotional event for former ASARCO employees

Related

By Erika Castillo

EL PASO, Texas — As the smokestacks came crumbling down, many El Pasoans were emotionally affected, including former ASARCO employees, many of which tried to stop the demolition.

The former employees worry that the negative health impact the smelter had on them might spread to the public after the demolition.

"We used a darker pigeon to symbolize the bad things that we found out were going on in the plant," said Dan Arellano, a third-generation ASARCO employee. "The white dove was to start beating the beat of a new drum we're in for progress, and we're for it, but still, we're going to be monitoring what happened here."

The group of worker, most of whom dedicated at least two decades of their lives to working at the smelter, watched what many of them considered a symbol of death and destruction, disappear from the distance.

"It was their chemicals. It was chemical warfare; stuff that you use on your enemies, widely used in Vietnam, nerve gas, napalm gas, serum gas. These are poisons; why bring it to us? We were at ground zero," said Carlos Rodriguez, a former employee who worked at ASARCO for 24 years.

In the days leading up to the ASARCO demolition many of these former ASARCO workers became members of a group calling itself El Paso AWARE. The group questioned the remediation efforts, and petitioned the Environmental Protection Agency to stop the demolition until more research could be done.

The movement prompted to ASARCO to do more testing, which it says showed no negative results and the EPA gave the demolition project the all-clear.

"If you see it from right here, you see the yellow right here. This is all sulfur. These are all chemicals involved and supposedly, these guys were at ground level. But, if you see this before it was torn down, these guys were 20 feet down, said Pat Garza, a 13-year former employee.

Rodriguez, 64, is one of the former ASARCO workers with AWARE (Answers Wanted on ASARCO Remediation and our Environmental Health). He said he worried then, and he still does.

"Are they going to get true, honest testing on that dust? Was there earth movement? Are we going to get the true answers? Is the city going to get the true answers? At this point, I don't even (know) who to believe," Rodriguez said.

Not all the workers carry negative feelings about ASARCO. Some said their children benefited from college scholarships, and their benefits were top-grade.

Next week, many others are making an appeal to the United American Steel Workers union to be assessed for medical care they are convinced they need but never received.

Reality for these workers is that while the iconic symbol of ASARCO is gone from the landscape, the lingering effects will last forever.

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abqjournal.com http://www.abqjournal.com/main/2013/04/15/biz/common-sense-seems-gone-with-the-wind.html

Common sense seems gone with the wind

By Jerry Pacheco / For the Journal

“You don’t need a weatherman to know which way the wind blows.” These are Bob Dylan’s immortal words from his 1965 masterpiece song “Subterranean Homesick Blues.”

Probably one of the first things we learn as small children is how the wind picks up dust, leaves and other light materials, and throws them into the air. Which one of us hasn’t had a balloon as a kid that the wind has plucked out of our hand and sent scurrying into the sky to some unknown destination?

The wind knows no borders and has its own destination, carrying with it all that it can lift, including dust and other particulates.

Isn’t this obvious? Couldn’t this be considered Physics or Meteorology 101? Apparently this is not so obvious, especially on the U.S.-Mexico border. In 2009, the New Mexico Environmental Department, following EPA guidelines, put several air-quality sensors on New Mexico’s border with Mexico in the Sunland Park/Santa Teresa region to monitor air quality. Ultimately, all but one sensor recorded acceptable levels of particulates in the air. One, which was placed near a major landfill, located close to the border and with the economically poor Mexican community of Anapra on the other side of the border, caused NMED to begin the paperwork to put the entire region out of air-quality compliance.

Being in noncompliance would mean that the companies within the regional industrial base would be required to monitor their emissions by purchasing monitoring equipment and possibly contracting with environmental experts. NMED would then monitor the situation until the region could be put back into compliance, which could take years. Ironically, the industrial base in Santa Teresa and Sunland Park generally does not consist of contamination-emitting businesses. Only a couple of manufacturing companies actually generate any emissions at all.

A major part of the compliance issue centered on dust and particulates blown into the Santa Teresa/Sunland Park region from across the border in Texas and Mexico. Anybody who lives in this region knows that the wind doesn’t know any state or national borders, it simply blows and carries with it whatever it can. When the wind factor was brought up with the state officials, they flat-out stated that the federal standards were the federal standards and they could not deviate in their enforcement. Dust was not an excuse for air-quality noncompliance.

Needless to say, the industrial base in Santa Teresa and Sunland Park was not pleased with the inflexibility of the state agency. This prompted the plant managers and industrial base leaders to band together to battle the impending ruling which would put their region into air-quality noncompliance. The backlash was so strong that then-Gov. Bill Richardson’s administration backed off of the proceedings and the region was left alone.

Just last week, years after this debacle began, I read a chain email from NMED informing that it had conducted an air-quality test for dust. The links to the report appear to total nearly 1,000 pages and start with the following statement: “Windblown Dust — dust in the air, or particulate matter, is a type of air

pollution that can be created when winds are at high speeds.” The email has a note by a department official who states: “This document demonstrates to the Environmental Protection Agency (EPA) that dust storms generated by high winds, rather than man-made sources, caused exceedances (sic) of the national standard for particulate matter in the air.Â Without this demonstration, Doña Ana and Luna counties would be in violation of the federal standard and subject to stricter air-quality rules and requirements designed to meet and maintain the standard in the future. The level of the federal air standard for particulate matter is protective of public health.”Â

When I read the email and browsed through the report, my mind went through the circle of emotions of amusement, disbelief, sadness, and finally anger. How much money was spent on this report to prove to federal officials that on the U.S.-Mexico border the wind blows and it carries dust that knows no borders?

I had to step back for a while to gather my thoughts and to logically analyze what happened. First, I don’t think the entire blame for this debacle should be placed on NMED. This organization and its counterparts in other border states have to abide by federal EPA requirements and standards. If there is inflexibility, it most likely is coming from the federal end in its attempt to achieve standardization of its approach and regulations. However, in an international region such as the U.S.-Mexico border, an approach and regulations that work in the Midwest do not necessarily fit well.

The very fact that NMED had to spend the money and resources to prove to the EPA that the wind creates dust, which puts a particular region out of compliance, seems absurd. I would imagine that my 2-year-old nephew could have come to the same conclusion just as quickly and for free. This is a situation in which common sense on behalf of public-sector officials should come into play, before a ton of money is spent to prove the obvious.

So what was learned? We can turn back to Dylan: “The answer is blowing in the wind.”

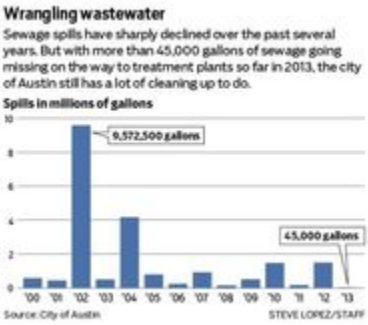
Jerry Pacheco is the executive director of the International Business Accelerator, a nonprofit trade counseling program of the New Mexico Small Business Development Centers Network. He can be reached at 575-589-2200 or at mailto:jerry@nmiba.com.%3Cbr>

Suggested Reading:

- 3 New Firms Coming to Santa Teresa
- Common Sense Gun Reforms
- Editorial: EPA Can’t See Common Sense for Its Haze Regs
- the Best defense is Common Sense
- Hope Seen for Mexico-N.M. Rail Link

With sewage system’s cleanup behind city, number of spills down

Ralph Barrera
Workers with the Austin Waster Utility clean up a sewage spill in 2010 in southwest Austin in the Circle C subdivision. They said the spill was caused by vandals blocking a sewage pipeline with rocks and debris, causing an overflow into a nearby creek.



Lopez, Steve (CMG-WestPalm)
Workers with the Austin Waster Utility clean up a sewage spill in 2010 in southwest Austin in the Circle C subdivision. They said the spill was caused by vandals blocking a sewage pipeline with rocks and debris, causing an overflow into a nearby creek.Wastwater spills

By Asher Price

American-Statesman Staff

In early February, an electrical short led a South Austin wastewater lift station to spill 90,140 gallons of raw sewage into a small waterway.

Austin Water Utility workers hustled successfully to contain the spill at the Southland Oaks lift station, near Brodie Lane and Frate Barker Road, before it reached the larger Bear Creek.

Several years after Austin completed a federally mandated overhaul of its sewer system, spills like that one occur far less often than they did a decade ago, according to data collected by the American-Statesman through open records requests. And, with faster response times by city crews, they're likely to do far less damage.

In 2001, utility workers responded to news of a sewage spill within an hour only 55 percent of the time. Last year, they responded within an hour 86 percent of the time and, so far this year, 89 percent of the time.

The impetus for the improved response to sewage spills stemmed from a 1999 order by the U.S. Environmental Protection Agency that Austin upgrade its aging system or face fines as high as $30,000 a day.

At the time, much of Austin's sewage pipes were built of concrete or clay, some of them 75 years old, said Steve Schrader, manager of the utility's collection system engineering division.

In 2001, in response to the federal order, the city created the Clean Water Program to eliminate sewer overflows.

The $400 million program involved 100 separate projects in 70 neighborhoods. The project, which was paid for by raising the city's wastewater rates by about 15 percent, replaced or repaired nearly 200 miles of pipe; eliminated 10 sewage lift stations; rerouted miles of sewer pipes away from streams; restored stream banks; required roughly 10,000 homeowners to fix private, defective sewer lines on their private property; and improved response time to calls about sewer emergencies.

A majority of creeks downstream of the projects showed improvements for ammonia, an indicator of human sewage, according to data from the city's Watershed Protection Department.

Spills still happen, of course. There have been at least three this year, as grease blockages, tree roots, vandalism, debris buildup and floods continue to wreak havoc on the many miles of pipes.

This year alone, at least 150,000 gallons of sewage have overflowed.

Austin Water on average spends $1,229 to respond to, mitigate and clean up a sewage overflow.

But it can cost more. In 2010, Austin officials offered a $7,500 reward leading to the arrest and conviction of individuals involved in the vandalism of a wastewater line that led to a spill of 250,000 gallons in Southwest Austin and the closure of Barton Springs Pool. No one was arrested in the case.

"Getting the reward together showed how seriously the city took this," Austin Water spokesman Jason Hill said.

City officials said it cost $70,000 to clean up sewage involved in the spill, including pay for contractors, work hours for city crews, equipment and water quality testing.

Still, that's a far cry from incidents like the one in 2002, when a broken pipe led to about 10.5 million gallons of sewage overflowing. Eight million gallons were recovered.

The EPA order against Austin was closed in 2009 because the city met all the requirements in the order.

The Texas Commission on Environmental Quality, which has taken on more sewage pollution oversight over the last decade or so, rarely issues orders that require a municipality to rehabilitate its entire collection system, said spokesman Terry Clawson. More commonly, the state agency encourages cities with chronic sewage problems to join a voluntary sewage system rehabilitation program. Currently, there are about 175 entities in the program.

Last year, the EPA began negotiations with Corpus Christi ahead of a possible order that it undergo a massive, costly sewer system overhaul.

Racquel Douglas, an environmental engineer with the EPA's Dallas regional office, said Austin has done "an awesome job of getting its system into compliance."

She said the EPA now asks Austin to share its experience with other cities attempting to comply.

An uphill battle

Lift-station overflows continue even as pipes stay stable. Some of the sewage overflows in the past several years are due chiefly to one-time events at some of the city's roughly 120 lift-stations, which are often needed to move sewage uphill.

In June 2012, for example, the Springfield lift station in Southeast Austin foundered after a buildup of grease fouled pump controls. Just over a million gallons of sewage overflowed. A tropical storm in September2010 dumped so much rainwater into city drains that three wastewater lift-stations were overwhelmed with flooding, leading to more than 430,000 gallons of sewage overflows.

The lift-stations "are mechanical in nature," said Jason Hill, a spokesman for Austin Water Utility. "So there's a greater potential for failing."

Environment : Pollution

Louisiana sinkhole shatters calm, prompts buyouts on the bayou

By Ronnie Greene email 6 hours, 29 minutes ago Updated: 6 hours, 29 minutes ago

On the bayou: Tim Brown steers his boat on Bayou Corne, along with his dog, Fritz. A 14-acre sinkhole threatens to destroy the calm in this Louisiana community. Many residents are seeking buyouts, making the neighborhood just one of many across the country seeking to flee environmental hazards. Brown is among residents who plan to stay.Ronnie Greene/Center for Public Integrity

BELLE ROSE, La. — Tim Brown eases his john boat from his back yard dock into his daily therapy: The Bayou Corne that courses through this patch of southern Louisiana like a lifeline. Brown powers past the Tupelo Gum, Cypress Moss and Swamp Maple trees that drape the bayou in a frame, and steers to the spot where he reels catfish and collects thoughts.

“If I had to actually leave this place and go back to a house on dry land, I’d probably be dead in two years,” says Brown, 65 and retiring next year. “I guess you can say it’s a totally different life out here.”

But now that life, for Brown and 350 other residents in a neighborhood with “Crawfish Crossing” signs and roads named Gumbo, Jambalaya and Crawfish Stew Street, has been shattered by discovery of a 14-acre sinkhole that fractured the community’s calm and may bury its dreams.

The sinkhole, triggered by a collapsed cavern operated by salt mining operator Texas Brine Company LLC, swallowed trees and fouled the air when it appeared August 3. Its discovery sent the Bayou Corne community here in Belle Rose into a state of emergency: Assumption Parish and Louisiana officials ordered a still-in-effect evacuation as state officials scrambled to unearth what happened.

“Initially the concern was, that first day, you have a sinkhole … and you don’t know what caused it. All you know is a 400-by-400 section of marshland just got converted to a muddy pit. Trees

were sinking into it and not coming back. It was like quicksand," said Patrick Courreges, a spokesman for the Louisiana Department of Natural Resources.

Natural gas filtered into the aquifer, and crude oil floated to the top of the sinkhole, about a third of a mile from the nearest homes anchored on each side of Highway 70. Louisiana officials feared explosion hazards and "potentially toxic constituents of crude oil and other hydrocarbons," though the state said continuous monitoring has detected "no hazardous concentrations." Yet earlier this month, sampling by Texas Brine found two homes with "concentrations of natural gas below the structure foundations that were above normal background levels," Assumption Parish officials reported.

"That is just too close to the community to take any chances with what comes next," Courreges said.

Eight months later, what comes next roils a community so close-knit it hosts its own Mardi Gras parade: The prospect that the entire Bayou Corne neighborhood, all 150 homeowners, will be relocated and not come back; that this haven for retirees and working class Louisianans will be, symbolically, swallowed by the sinkhole.

What's happening in Belle Rose has played out in dozens of communities threatened by environmental hazards so dire residents feel compelled to demand that industry or government move them out. But as Bayou Corne's experience shows, winning buyouts is never easy, and leaving is often painful. The community's travails reveal the human cost of pollution.

"It's been an ongoing, really to me, like a science fiction novel. You have this big hole that caves in and then it keeps growing and growing and growing," said Marylee Orr, executive director of the Louisiana Environmental Action Network, an advocacy organization based in Baton Rouge. "Mysterious bubbles. It's like watching the crawfish pot, bubbling the crawfish pot."

Bayou Corne "is really a little piece of heaven," Orr said. "It's a paradise to them. They could go out, be on a boat, it's absolutely beautiful. But now a lot of people think it's ruined forever."

Many residents have pushed for buyouts from Texas Brine. Last month, after pressure from Republican Gov. Bobby Jindal and parish political leaders, Texas Brine began contacting individual homeowners to begin the process of assessing their property values and, ultimately, making offers. How much the company will pay is unknown, leaving Jindal to tell residents, during a press conference in Bayou Corne last month, that Louisiana will "make them do it again" if the first offers are too small.

"The finger is pointed at us, and we understand that, and we are going to try to make a fair offer," Sonny Cranch, a Texas Brine spokesman, said recently while giving a visiting journalist a tour of the sinkhole on company property.

Many of those pushing for buyouts are crestfallen by the prospect of packing up from a place where they fish, hunt and occasionally encounter alligators. When school is out, visiting grandkids pop up like spring flowers, giving the community the feel of camp on the water. Since the sinkhole's arrival, many grandchildren have stopped returning.

Other long-timers refuse to leave homes they saved a lifetime for, state of emergency be damned.

"I don't care if I'm the only one standing here. I'll live here as long as I can," vows James Bergeron, a 14-year resident of Crawfish Stew Street and retired deputy sheriff and offshore crane operator. "I'm 76 years old. This is all paid for. What am I going to do, go somewhere and buy something else?

"Come on!"

As he spoke, his eyes glistened.

"I'll live here as long as I can," vows James Bergeron, a 14-year resident of Crawfish Stew Street. Ronnie Greene/Center for Public Integrity

Across the U.S., buyouts move slowly, painfully

While the environmental hazard in Bayou Corne is new — state officials say they know of no other instance in which a cavern's sidewall collapsed to trigger a sinkhole — the wrenching prospect of relocation is not new for many communities from Florida to California.

Residents living on the fence-line face long odds in their quest to escape. Few communities flex political power, their voices faint against big-muscled industry or slow moving government.

"The vast majority of relocations in this country have come as a result of politics," said Lois Gibbs, executive director of Center for Health, Environment and Justice, a nonprofit based in Falls Church, Va., that works with communities seeking relief from pollution.

Gibbs knows this firsthand. More than three decades ago, she was a housewife with sick children in the Love Canal neighborhood of Niagara Falls, N.Y., when she learned that her supposed dream town was built atop a 21,000-ton mound of toxic chemicals. Gibbs' push lured President Jimmy Carter to come to town and, in 1980, free some 900 families from Love Canal's toxic dump.

Today, Gibbs and her colleagues at CHEJ have prepared a 43-page guidebook to help communities navigate the tangle of industry and government.

The guidebook includes two dozen case studies of communities that did just that, winning relocation bankrolled by government or industry. But even successful relocation bids take years, sometimes decades.

In Pensacola, Fla., Gibbs said, residents sought for a decade to free themselves from the dioxins, arsenic and heavy metals from an abandoned former wood treating facility. By 1992, the Environmental Protection Agency said it excavated 225,000 cubic yards of contaminated material — creating a mound nearly 60 feet high — and "stored it under a secure cover on-site." Residents dubbed the site "Mount Dioxin," and complained of cancers and respiratory disease. The community launched a letter writing campaign demanding the EPA move them out.

Four years later, in 1996, the EPA said it would relocate a third of the residents. Enraged, the blue- collar community turned up the heat. Taking in small donations from across the country, CHEJ took out a full page ad in *USA Today* challenging President Clinton — then running for re-election, and needing the Florida vote. The ad juxtaposed a Clinton quote — saying that children

should not live near hazardous waste sites — with a picture of Pensacola children aside the wood treating plant. Advocates delivered the ad to Hillary Clinton, then in Florida stumping for her husband.

The message, Gibbs said: “Clinton, put your words and your actions together.” Soon after, the community won a full relocation. Some activists refer to Pensacola as the “Black Love Canal.”

Other fence-line fights stretch out even longer.

In Norco, La., a four-street, all-black community named Diamond won a historic relocation from Shell Oil in 2002 after decades spent enduring illnesses and sometimes-deadly plant explosions. The grassroots victory was 13 years in the making, and came five years after a St. Charles Parish jury returned a verdict in favor of Shell in a citizen lawsuit alleging the company’s chemical plant and neighboring refinery contaminated the air and sickened residents. As in Pensacola, the Diamond residents were aided by aggressive activists who helped push intransigent industry and government.

Some communities harmed by pollution never do get out.

In Tallevast, a largely black southwest Florida town founded by turpentine workers, industry and government officials discovered in 2000 that a former beryllium plant had leached a 200-acre underground plume of cancer-causing TCE and other toxins in a town of 1.5 square miles. Lockheed Martin, the property owner at the time, discovered the leaching and set out to clean it up.

Yet for three years, no one — not the county, the state nor industry — told residents what was under their feet. Tallevast homeowners unearthed the news by chance in 2003, when community leader Laura Ward noticed workers on her lawn and started asking questions.

A decade after that discovery, the company has yet to agree to a full relocation.

Ward said residents continue to press for buyouts — with no success. “I think their decision to not do the buyout and do the move, was a bad decision,” Ward said. “We felt like that eight, 10 years ago, and we still feel that way.”

Meantime, Lockheed Martin’s cleanup will unfold over decades. The company vows to “continue to invest in the environmental, health and economic needs of the community.”

In Tallevast, as in Bayou Corne, residents seeking a buyout would depart with painfully mixed feelings — leaving homes they thought would pass down the generations.

Louisiana Gov. Bobby Jindal arrives in the Bayou Corne community to meet residents whose lives have been uprooted by a 14-acre sinkhole. Ronnie Greene/Center for Public Integrity

Unexplained bubbling — then the sinkhole

Trouble in Belle Rose began months before the sinkhole arrived, with residents noticing a bubbling in the bayou and smelling gas in the air. In June and July of 2012, Assumption Parish, state and federal officials began examining the unexplained bubbling in Bayou Corne and Grand Bayou.

On August 3, an area of wooded swamp in Bayou Corne began to subside, prompting state Commissioner of Conservation James Welsh to issue a Declaration of Emergency. Assumption Parish issued its own state of emergency, and Gov. Jindal did too.

By 7:30 that night, the Assumption Parish Office of Homeland Security and Emergency Preparedness had called for a mandatory evacuation as state and federal scientists searched for answers, "uncertain of what the actual possible risks are," the state said.

Louisiana authorities discovered that the sinkhole was caused by the collapse of a sidewall of a previously plugged cavern. "The collapse had created a pathway to the nearby groundwater aquifer and the surface for crude oil and natural gas which had been confined in a hydrocarbon-bearing layer," wrote the state's Courreges.

The collapse is unprecedented, he said — the "first reported failure of a brine cavern sidewall." Caverns have collapsed before, but always from the top, he said.

The state directed Texas Brine to remove natural gas in the aquifer through vent wells, provide home methane detectors for any resident wanting them — and to pay residents under terms of the company's permit and the Parish evacuation order.

Since then, Texas Brine has cut $875 weekly checks to all homeowners, whether the residents left or stayed back. The state's evacuation order was mandatory — but not forced. Many residents have fled to temporary quarters, but return regularly to check on their properties as the company and state try to keep a lid on the sinkhole and monitor its environmental impact.

State officials have ordered underground 3D seismic technology to get a clearer picture of what is happening underground.

The biggest public safety concern, Courreges said, is “to get the gas out of the aquifer, and stop it from recharging the aquifer.”

“We’ve got to stop the source of it, because it’s still being fed. We’ve got to figure out the source, find some way to intercept it, stop it,” he said. “We’re looking into that 3D seismic to get some information, to get that underground picture.”

The state also intends to gain “a full understanding of the impact the collapse had on the stability of the ground surface,” Courreges said.

The sinkhole continues to stir concern. In late March, more than two dozen trees collapsed into it. And then on March 28, authorities temporarily halted work around the sinkhole after seismic monitoring detected “fluid and gas movement below the sinkhole.” More trees and a sinkhole access ramp sloughed in. On April 1 came another work stoppage amid signs of “fluid and gas movement below the sinkhole,” and water movement at its surface.

Explosion hazards are another worry. The state, working with the EPA, conducted a series of flights over the area scouring for potentially hazardous plumes. Monitoring to date has not “detected concentrations at or above surface that have reached the lower explosive limits,” Louisiana officials say. Concerned that crude oil and saltwater could spread to surface waters, the state ordered a containment berm to be built around the sinkhole.

So far, tests results by the Louisiana Department of Environmental Quality show “no harmful environmental releases,” the state said.

Yet for residents, the harm is right before their eyes: A community facing potential extinction.

On the Bayou Corne in southern Louisiana. A nearby sinkhole threatens to destroy this community on the water.Ronnie Greene/Center for Public Integrity

Wilma Subra, a Louisiana environmental chemist, visits Bayou Corne. "You cannot imagine what they must be going through," she said. Ronnie Greene/Center for Public Integrity

'Keep Out' signs where residents frolicked

Today, homes once filled with bustle now feature "No Trespassing" or "Keep Out" signs. Along Highway 70, where giant trucks rumble past and dead armadillos occasionally dot the sideway, an insurance company's ad has suddenly turned ironic: "Dreams can come true."

The homes range from modest to modern, but all share a link to the water. The sinkhole's mysterious arrival — and its murky long-term consequences — has taken a psychological toll.

"It's just horrible," said Wilma Subra, a Louisiana environmental chemist who has studied the area and visited recently. "This was a very close, very small community. You cannot imagine what they must be going through, day in and day out. Not knowing if you're ever able to come back or not."

Julie Albarado said she and her husband, drawn by a love of fishing, hunting and the water, moved to Bayou Corne in 2003. "It's just terrible that we may have to leave," said Albarado, who said she was diagnosed with cancer several years ago. "We don't know where we are going."

Nick and Brenda Romero say they dread leaving, but see no other option.

The Romeros bought their home in 1991 as a getaway retreat, and moved in fulltime in 1996. "We decided we enjoyed it so much we wanted to retire here," said Nick. For several years, the couple drove back and forth to jobs in Baton Rouge, some 50 miles away. Nick is retired from the U.S. Postal Service, and Brenda a retired loan closing manager.

They started the community's annual Mardi Gras parade, replete with live music, beads and hearty food. Their house connects with a vein of canal that leads into the bayou, and their yard features an orange tree that spouts so much fruit they share it with neighbors.

In summer, a cluster of their 10 grandchildren came to visit, with fishing on the bayou, and an occasional encounter with gators.

"Our grandkids loved coming here. It was one experience they never experienced anywhere else," Nick Romero said. "We don't have that anymore. Our grandkids can't come out here anymore."

Brenda, battling breast cancer, has developed a second career as an artist, often using wildlife as her muse. “To be on the water, peacefully on the water … We feel it would be impossible to find another place like this,” she said. “This is where we wanted to be for the rest of my life.”

Her husband worries about what Texas Brine will offer. “I didn’t and she didn’t cause this,” said Nick Romero. “We still have a mortgage on this. I’m retired with a mortgage.”

Karen St. Germain, the Louisiana state representative for the area, said she understands the residents’ anxiety. “You have taken a piece of their life that they can’t get back,” St. Germain, a Democrat, said on a steamy afternoon last month, just before Gov. Jindal swooped in on a helicopter visit. “I grew up on the water. It’s our sense of calmness.”

The sinkhole threatens to destroy that calm. St. Germain said she is keeping close tabs on how Texas Brine addresses the situation. The company, she said, didn’t initially move quickly to permanently relocate residents. “Not till they got pushed,” she said.

As he landed in Bayou Corne, Jindal shook hands with residents and heard their stories. “For the people that want to leave, there should be that option,” the governor told residents clustered around him. “But it shouldn’t be mandatory.”

Jindal then huddled inside with dozens of residents, emerging later to address the community and press, flanked by Assumption Parish and state officials. Jindal had drawn some criticism for not coming to Bayou Corne sooner — the press conference was his first visit since the sinkhole’s emergence — but he told residents he has been on their side from the start.

“We will hold Texas Brine accountable,” he said. “We’re going to make sure they’re responsible for cleaning up the mess they have caused.”

He cautioned that solutions will not come quickly. “This is a marathon.”

Jindal said Texas Brine has “missed many commitments and deadlines they made to the state. We said, ‘Enough is enough.’ ” The state, he said, will closely follow the company’s offer of buyouts, which could potentially begin coming later this month.

“The real proof will be in whether residents are actually accepting their offers,” Jindal said.

Before the sinkhole, “For Sale” signs were scarce in Bayou Corne. Over the last year, just three properties had been sold, a lawyer for Texas Brine told homeowners at a town hall meeting several hours after the governor’s visit.

Cranch, the Texas Brine spokesman, said the company has moved to address the environmental damage in the community while responding to citizen lawsuits already filed. “We have tried and made a good faith effort to respond as quickly as we possibly could” to the demands of the state, Cranch said. “We were faced with an awful lot of issues.”

Texas Brine’s website includes regular bulletins. “It’s been a big hardship on a lot of these people. Truly it has, and we recognize that,” Cranch said.

Four citizen lawsuits have been consolidated into one case in federal court. A fifth case moves ahead in state court, and more are likely. Environmental activist Erin Brockovich, working with Los Angeles attorneys, came to town in March to meet with homeowners who contacted her after the sinkhole surfaced.

Under a buyout process approved in court, Texas Brine is first contacting residents not represented by lawyers. Getting to that point has taken time, Cranch said, with the myriad environmental and legal issues triggered by the cavern collapse. Another question Texas Brine has grappled with, he said: “What to do with people who stay?”

Sonny Cranch, a spokesman for Texas Brine, stands at the foot of the sinkhole that has roiled the Bayou Corne community. Ronnie Greene/Center for Public Integrity

Back on the bayou

Tim Brown is among them. A lab technician for a chemical plant, he and his wife Kathryn have lived on the bayou for 14 years, hosting crawfish boils and feeling securely at home.

“I’ve always wanted to be on the water,” said Brown, originally from French Lick, Indiana. “We’ve got too much invested in our home to try to move. … Once you live on the water, you don’t want to leave.”

“The fishing is still good,” said his wife. Indeed, Tim Brown said. He caught some catfish that day.

The Browns say they confront the catastrophe with a sense of perspective built from overcoming hardships. Kathryn’s mother and brother lost their homes in Hurricane Katrina. One of their daughters has had breast cancer. Tim Brown underwent heart surgery and a series of knee surgeries in recent years.

Yet they bring a dash of Cajun personality to the chaos. Each Christmas, the Browns decorate their lawn with three giant alligators. In March, the display remained in their front yard — with sinkhole related additions. “Texas Brine Sinkhole — Stink Hole,” says one sign. “We’re having a little fun with it,” Tim Brown said. “And the Texas Brine people thought it was funny.”

Soon, he is back on the water.

“Money’s not everything,” Brown said, recalling the day he encountered beavers, eagles and otters. Giant signs on the water warn of a natural gas pipeline, but Brown betrays little worry. Testing in his yard has not revealed any harm from the sinkhole, he said.

He points out his favorite fishing spot, just past the juncture where the Bayou Corne and Grand Bayou merge, then spins his boat back home. One of his three dachshunds stands beside him as the boat picks up speed.

“Hang on, hound dog,” Brown says to his dachshund, Fritz. As he pulls up to dock, he turns to a visitor and glances upon the water. “This is what we’re staying for.”

YAHOO! NEWS

Exxon to remove damaged part of Arkansas Monday

Reuters – 12 hrs ago

(Reuters) - A 52-feet section of Exxon Mobil Corp's damaged Arkansas crude oil pipelin Monday, the company said.

The portion of the Pegasus pipeline, which ruptured on March 29 resulting in a 5,000-b an independent third-party laboratory for metallurgy testing, the company said in a sta

Early last week, Arkansas Attorney General Dustin McDaniel, who launched an investig rupture was more than 22 feet long and two inches wide.

The Pegasus pipeline, which can transport more than 90,000 barrels per day of crude o Nederland, Texas, was carrying Canadian Wabasca Heavy crude at the time of the spill. diluted with lighter liquids to allow it to flow through pipelines.

Some residents evacuated from their neighborhood in Mayflower, a town about 25 mile rupture sent crude spilling in yards and streets have the option to return to their homes Department of Health said on Friday.

For 13 consecutive days, data from the air monitors in the Mayflower community have s detect or below action levels established by the Arkansas Department of Health, accord

At least 26 private residences and public buildings have had indoor air quality monitori public and all have been cleared by the Arkansas Department of Health and the U.S. En

The cause of the spill is under investigation.

(Reporting by Ratul Ray Chaudhuri in Bangalore; Editing by Gopakumar Warrier)

Are we going to run out of water?

Texans are trying to grab Oklahoma water, tribal rights to southeastern Oklahoma water are in dispute, and forecasts warn the drought could persist for years.

Scott Horner, chief plant operator at Edmond's water treatment plant, stands above two large contact clarifiers Friday. Edmond treats about 5 million gallons of water per day from Arcadia Lake — and more in the summer. Edmond also draws on wells for a share of its drinking water and can buy drinking water from Oklahoma City as a secondary source. See related stories on Pages 12-13A. PHOTO BY PAUL HELLSTERN, THE OKLAHOMAN

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Oklahoma City, the state's largest and fastest-growing metropolitan area, sits on the boundary between east, where rainfall usually is plentiful, and west, where things are dry and getting drier.

The city depends on sources east and west for its water.

So, will rains replenish the water a growing state needs?

“The real answer is we don't know,” said Gary McManus, the associate state climatologist.

After about 30 years of above-average rainfall, Oklahoma is three years into a drought that could rival the dry years of the 1950s, McManus said.

Still, Oklahoma's 34 major reservoirs store about 13 million acre-feet of water. Twenty-two major aquifers store about 390 million acre-feet. It would take Oklahoma City 3,200 years, at the current levels of consumption, to distribute that much water to its customers.

Oklahomans used an estimated 1.8 million acre-feet of water for all purposes in 2007, the most recent year for which figures are available.

“You stack those up and you say there's no danger of us running out of water,” said J.D. Strong, executive director of the Oklahoma Water Resources Board.

But drill down a bit, and Strong's twin factors of scale and location — which provide a picture at the local level — come into play.

The Water Resources Board is financing construction of a 12-mile pipeline from Stillwater to Lone Chimney Lake. The Lone Chimney Water District serves 16,000 customers and is perilously close to running out of water.

Canton Lake, about 100 miles northwest of Oklahoma City, is about 18 percent full after Oklahoma City withdrew water this winter to replenish Lake Hefner.

Planning is key

The Water Resources Board has identified 12 “hot spots” — watersheds in western Oklahoma where the threat of running dry is most severe.

“The water is not always where we need it when we need it,” Strong said.

Some water users and producers have done a good job of planning, he said.

“But those are the exceptions to the rule,” Strong said. “Many more are just struggling to get by with what they've got.”

Oklahoma City water managers claim credit for being among those who have planned ahead.

The city holds rights to Canton Lake water in the west and to water from streams in southeastern Oklahoma. A pipeline that opened 50 years ago last month brings in water from the southeast.

A mediator is overseeing efforts to settle a lawsuit filed by the Choctaw and Chickasaw tribes that could affect Oklahoma City's efforts to acquire more water in the southeast.

The city also is part of a lawsuit to be heard April 23 by the U.S. Supreme Court over claims to southeastern Oklahoma water by a north Texas water district.

Oklahoma City Mayor Mick Cornett said it is hard for him to imagine a scenario where Oklahoma City and the central Oklahoma cities that share its water — with the potential to serve 1.3 million people — would not have the water they need.

“We're better situated than almost any city in our part of the country,” he said.

Shift in thinking

Through 30 years of above-average rainfall starting around 1980, agricultural and urban water users changed their habits to match the weather, McManus said.

Now, Oklahoma City water managers are talking about the need for a “paradigm shift” in thinking about how water is used.

The focus is on lawns and landscaping but could shift to water-hogging appliances and toilets, and to higher prices, before long.

If conditions return to those of the 1950s, when rainfall was below average and the worst years were drier than the 1930s, “it could be quite a shock to the system,” McManus said.

While invoking “a good measure of humility,” he said periods of cool surface water temperatures in the Pacific Ocean off South America appear likely to persist the rest of the decade. That's a pattern that tends to produce warm, dry weather in Oklahoma, he said.

In the short term, there's hope for Oklahoma to have sufficient rain going into summer, McManus said. Last week's drought report showed some relief.

“Every Oklahoman knows you don't want to go into the summer needing rainfall,” he said.

Legal fights and pressure to conserve all are keyed to the same things, McManus said.

“The recipe for drought relief ends up being pretty simple — stuff falling from the sky.”

New diversion process planned for Barataria Basin

Advocate staff photo by BILL FEIG -- People on airboats on a tour of the Davis Pond Freshwater Diversion project stop to talk about aspects of the 9,300-acre area that receives water from the Mississippi River.

By AMY WOLD

Advocate staff writer

BOUTTE — Scientists will be trying out a new way of operating the Davis Pond Freshwater Diversion project later this year to get more water through the system when the Mississippi River levels are high.

First authorized by Congress in the 1960s and then opened in 2002, the diversion has been operated based on a monthly average of how much salt water is in the Barataria Basin. Previously, a task force of user groups, state and federal officials have formed an operating plan that dictates how much fresh water from the Mississippi River should be let through the structure to keep a 5 parts per thousand salinity level.

Now, explained Chuck Villarrubia, senior scientist with the state Coastal Protection and Restoration Authority, the task force is going to base operations

on a 15 parts per thousand level from December to May. That's when there is typically high water in the Mississippi River and historically a time of year when the river might flood over its banks into these wetlands, he explained during a Tuesday trip to the diversion site.

The rest of the year, the operation will manage for the 5 parts per thousand line, which is typically when water in the Mississippi River would be lower and maintained within its banks.

This type of operation better mimics how nature operated before the levees were put up along the Mississippi River.

"The new plan will give us a greater ability to use the river when it's on," Villarrubia said.

Denise Reed, chief scientist with The Water Institute of the Gulf, said it reflects a change in attitude when it comes to environmental projects.

Reed said the 20th century was all about controlling nature, so controlling salinity was the goal set for the Davis Pond Freshwater Diversion project. However, in the 21st century it's about working with nature, she said.

"None of the river diversions being planned now are talking about controlling salinity," Reed said.

These salinity levels used as guides for "controlling" saltwater intrusion were on the map based on how we were thinking in the 1960s, she said.

Although the diversion has been in operation since 2002, there have been limits on how much fresh water is allowed to flow through the structure.

"Over 10 years now that we've had this structure and we've still not been able to fully utilize its capabilities," said Ted Falgout, vice president of Restore or Retreat coastal group.

Villarrubia said there were initially problems with putting too much water into the system because of drainage problems. Eventually, guide levees on the sides of the 9,300-acre receiving area were stabilized and cuts were made into the lower area to allow water to better drain into the lakes, he said. That work was completed in about 2008.

Another problem, Villarrubia said, is the whole operation is based on salinity control and that has been a constraint on how the diversion is operated and how much water was allowed to flow through the structure.

The Water Resources Development Act of 2007, however, gave the corps and state authority to look at modifying the way the diversion is operated to maximize benefits.

The project officially “started” in 2009 when the state and corps signed a cost-share agreement, and the corps stated in a fact sheet earlier this year that the planning team was close to selecting a recommended plan with a completion date of November 2013. However, the state requested in October that the feasibility study for the project be suspended.

Bren Haase, deputy chief for planning and research division with the state Coastal Protection and Restoration Authority, explained that the time and money it would take to get the plan through the process may not give any better results than just modifying what they’re already doing.

“We can probably accomplish our goals without going through the effort and expense,” he said.

Everything New Orleans

Construction at ExxonMobil Chalmette Refining to cause loud whooshing sounds Saturday through Tuesday

By Mark Schleifstein, NOLA.com | The Times-Picayune

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on April 13, 2013 at 9:30 AM, updated April 13, 2013 at 8:09 PM

Officials with ExxonMobil's Chalmette Refining warn that ongoing construction at one of the refinery's largest units will result in loud whooshing sounds Saturday through Tuesday.

"Steam at high pressure is an important part of our manufacturing process," said news release issued by the company. "At various intervals you may hear the steam, charging the system, being relieved through valves, giving off a loud whooshing sound.

"We apologize and want you to know that we are working to keep the inconvenience to a minimum," the release said.

Two weeks ago, a spill of liquid at the refinery is believed to have caused odors that prompted complaints from residents throughout the New Orleans area. The pipeline break that caused those odors is not connected to this project.

THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

2. CLIMATE:

Questions loom as EPA misses deadline for new power plant rule

Jean Chemnick, E&E reporter

Published: Monday, April 15, 2013

U.S. EPA missed its statutory deadline Saturday to finalize its first-ever carbon dioxide rule for new power plants, and although the delay had been anticipated for months, stakeholders are divided about what it means.

The new source performance standard, proposed last year, would limit carbon dioxide emissions to 1,000 pounds per megawatt-hour at all new power plants regardless of technology. It is important not only for what it would do, but -- perhaps more importantly -- because a final rule for new power plants is a prerequisite to regulating emissions from the nation's existing power plant fleet, which contributes about a third of U.S. greenhouse gas emissions.

"EPA has a strong interest in ensuring that its new source NSPS is as legally fortified as possible, because the agency needs that rule to survive challenge in order to move forward with the much more influential rule for existing power plants," said Kyle Danish, an attorney at Van Ness Feldman who works on Clean Air Act cases.

Environmentalists and industry advocates part ways on what changes EPA might be considering in order to ensure its NSPS for new plants is on a strong legal footing. Industry advocates argue that by requiring coal-fired power plants to meet the same standard as gas-fired power plants, EPA is effectively requiring fuel switching -- something that is not supported by the Clean Air Act (***Greenwire***, March 18).

Environmentalists, meanwhile, say that carbon capture and storage allows coal-fired power plants to meet the standard envisioned by the proposed rule. They suggest EPA might be using its additional time to make minor changes that might better position the rule to stand up to inevitable legal challenges by industry, or even to strengthen the rule's emissions limits (***E&ENews PM***, April 10).

EPA itself has been tight-lipped about the reason for the delay. Spokeswoman Alisha Johnson said in an email this morning that the agency has no timeline for its release.

"We continue to review the more than 2 million comments we have received on the rule," Johnson said.

The agency has been equally cagey about its plans for the existing power plants rule. Acting Administrator Bob Perciasepe hinted last week on a call with reporters that a proposal for the rule might move forward in the next 18 months, but the agency quickly walked that back, saying it had "no plans" to regulate the current power fleet.

Frank O'Donnell, president of Clean Air Watch, said the agency is right to ensure the rule is as defensible as possible.

"That, to me, is actually being pretty smart," he said.

But O'Donnell suggested that environmental litigants might not wait long before they sue to require EPA to commit to a new timeline for both the new and existing source rules.

Megan Ceronsky of the Environmental Defense Fund, one of the groups that sued EPA to promulgate the rules, noted that the earliest the litigants could file suit would be 60 days from today. They would first have to issue a notice of intent to sue, she said.

THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

3. SUPREME COURT:

Justices ask White House for input on Texas-N.M. water dispute

Jeremy P. Jacobs, E&E reporter
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The Supreme Court today asked the Obama administration to weigh in on a case challenging a water-use agreement between Texas and New Mexico.

Texas has charged that New Mexico is violating the Rio Grande Compact by diverting water before it hits the Lone Star State's borders.

Asking for the solicitor general to file briefs on the case could be a sign that the justices are seriously considering granting arguments.

The two states, along with Colorado, signed the compact in 1938 to manage the water that flows from Colorado through New Mexico and Texas, becoming the U.S.-Mexico border before dumping into the Gulf of Mexico. The contract was later approved by Congress.

It calls for specific amounts of water to be diverted to New Mexico's Elephant Butte Reservoir, a storage feature of the Rio Grande Reclamation Project. From there, Texas says, the compact mandates that the water flow unimpeded through southern New Mexico and into Texas.

Texas claims New Mexico is violating the intent of the compact by hindering that process.

"New Mexico has, contrary to the purpose and intent of the Rio Grande Compact, allowed and authorized Rio Grande Project water intended for use in Texas to be intercepted and used in New Mexico," the state said in court documents. "New Mexico's actions, in allowing and authorizing the interception of Rio Grande Project water intended for use in Texas, violates the purpose and intent of the Rio Grande Compact, causing grave and irreparable injury to Texas."

Interstate water compacts, of which there are nearly 30, are becoming increasingly important as the arid West continues to cope with drought conditions.

They also present complicated interstate legal issues. Texas has been at the forefront of lawsuits involving compacts as it looks for ways to cope with the drought and with its rapidly growing population. Next week, the Supreme Court will hear arguments in Texas' lawsuit against Oklahoma for refusing to allow Texas to tap water in the Red River within Oklahoma's boundaries. Texas claims it has a right to that water under the Red River Compact of 1980 (***Greenwire***, March 12).

Court denials

The Supreme Court today declined to hear a case involving oil giant ConocoPhillips Co. and another involving the management of Native Alaskan lands.

In *ConocoPhillips Co. v. Abrahamsen*, the energy company had asked the court to review a complicated case brought by a series of former employees seeking damages after suffering myriad injuries in the North Sea. ConocoPhillips sought clarification on jurisdictional issues presented in the case.

Justices also denied a request from shareholders in an Alaska Native Regional Corp., one of several such organizations that manage Native Alaskan land. In *Rude v. Cook Inlet Region Inc.*, shareholder Robert Rude had sought to orchestrate a shareholder meeting to restructure the corporation -- a complicated

State Leading in Reduction

Of Pollutants From Streams

OKLAHOMA CITY— A recent comparison of EPA priority nonpoint source pollutant reduction numbers from across the nation shows that Oklahoma again ranks as the No. 1 state when it comes to reducing harmful nutrients from streams and rivers.

This is the second year in a row that Oklahoma has ranked No. 1 among states in reported non-point source nutrient reductions and the fourth year for the state to be in the Top 10, according to Kim Farber, President of the Oklahoma Association of Conservation Districts.

“This continued improvement in addressing water quality is a testimony to the success of the dedicated work done by farmers, ranchers and other landowners in partnership with the Oklahoma Conservation Commission, local conservation districts, Environmental Protection Agency Clean Water Act 319 programs and the USDA Natural Resources Conservation Service to address this critical issue,” Farber said. “This success shows what can happen when we work together, respect individuals’ private property rights and when the state and federal governments give landowners the financial and technical assistance they need to make changes. Locally led, voluntary conservation works.”

Water quality numbers recently reported by states to the EPA show that in 2012, Oklahoma’s Nonpoint Source Program led the nation in phosphorus reduction with more than 2,443,752 pounds of estimated phosphorus load reduced due to voluntary best management practices across the state. In addition, Oklahoma ranked first among the states in reducing nitrogen loading, reducing an estimated 2,695,211 pounds of nitrogen last year. Oklahoma also had an estimated sediment reduction of over 10,000 tons. When these numbers are reviewed in EPA’s national Nonpoint Source Database, comparison with the levels of nonpoint source pollution reduced by other states shows that Oklahoma ranks No. 1 in the reduction of nutrients that pollute our water. This is the second year in a row where Oklahoma has led the nation in reduction of nutrients while receiving less than 3 percent of all federal EPA nonpoint source pollution funds.

According to Clay Pope, Executive Director of OACD, this reduction shows the success of locally led conservation efforts in addressing non-point source pollution and helps highlight why locally led incentive based programs are critical to ongoing efforts designed to address water quality both at the state and federal level.

“By using the delivery system consisting of the Oklahoma Conservation Commission, local conservation districts and NRCS, we have been able to use EPA 319 Federal Clean Water Act dollars and Farm Bill Conservation Title funds along with state dollars to partner with landowners in ways that are starting to turn the corner on some of Oklahoma’s toughest water quality problems,” Pope said. “We’re not only controlling pollution, but we are also taking into consideration the financial situation of the local landowner. This is the same kind of approach we used to tame the Dust Bowl of the 1930s and these numbers show it’s working again in the water quality area. Clearly we have a great model and it needs to be included in discussions surrounding water both in Oklahoma and the nation. You can have all the water in the world, but if it isn’t fit to drink, you don’t have much. These numbers prove that we are moving in the right direction in Oklahoma when it comes to water quality and we hope that our policy makers will continue to recognize what can be done when landowners and the government work cooperatively to solve these kinds of problems.”